

HC P96 Jan 12 1979

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

vs.

MICHAEL RODAK, JR., CLERK
U.S. SUPREME COURT

NO. 78-5631

RECEIVED

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SUPREME COURT, U.S.

ORIGINAL COPY

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Opposition to motion to dismiss

APPELLANT'S BRIEF UNDER S.C.T. RULE 16, PARAGRAPH 4, THEREOF
SUBMITTED IN OPPOSITION TO THE APPELLEE'S MOTION TO
DISMISS DUE NO LATER THAN DEC 21, 1978 & FILED DEC 26, 1978,
WITH MOTION TO STRIKE AND AFFIDAVIT

HAJJI A.R. AHMAD, APPELLANT
5538 W. Thompson St.
Phila., Penna 19131

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1978

HAJJI A.R. AHMAD, APPELLANT

NO. 78-5631

v

MICHAEL RODAK, JR., CLERK, U.S.S.C.T.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIEF IN OPPOSITION TO MOTION TO DISMISS
FILED BY THE APPELLEE

The Appellant Hajji A.R. Ahmad docketed this case on October 26, 1978, and served the Jurisdictional Statement upon the Solicitor General Nov. 1, 1978. S.C.T. Rule 16, paragraph 1.###, provides;

"Within thirty days after receipt of the jurisdictional statement, unless the time is enlarged by the court or a justice thereof, or by the clerk under the provisions of paragraph 5 of Rule 24, (paragraph ### 2, of Rule 34, in part, provides that: "Whenever any justice of this or the clerk is empowered by law or under any provision of these rules to extend the time within which a party may petition for a writ of certiorari or docket an appeal or file any brief or paper, an application seeking such extension must be presented to the clerk within the period sought to be extended".) the appellee may file a printed motion to dismiss, or motion to affirm. In cases where the United States or any agency, officer or employee thereof is the appellee, the appellee shall have an additional twenty days to file said motions." No request for an extension has been made by the appellee within the time permitted by S.C.T. Rules nor granted. The time in which such could be made expired December 21, 1978. The appellee's motion to dismiss was not filed until December 26, 1978. The appellee in his motion relies upon false statements to defraud the appellant of his right to review by this Court and defames the appellant in the process providing the appellant with a new cause of action. The appellant is a Muslim by religion and a member of the so called Negro race and as a negro relies upon Section 1981 of Title 42, U.S.C. which guarantees to him and his race the equal rights and privileges and benefits of laws and proceedings as are enjoyed by white persons, and urges this court to determine that the appellant is prejudiced in this action as no negroes are permitted to file documents which are clearly out of time and are not referred to as "white" the same as white people and the appellant demands that this court give that consideration in rendering its decision.

The Appellant further wishes that this Court give consideration to the fact that no aid has been provided to Negroes nor to Muslims like aid to establish a political entity such as Israel with tax dollars and the demand is made here by the appellant as a negro under Section 1981, 42 U.S.C. for equal treatment as has been and is accorded to persons of the Jewish faith ancestry and religion.

ARGUMENT: Zionism is a form of racism and subject to consideration on the basis of race and religion under Section 1981, Title 42, U.S.C.

See Jurisdictional Statement Supplement Exhibit U### C, page 147, UN Resolution equating Zionism with racism.

Respectfully submitted,

HAJJI A.R. AHMAD, 5538 W. Thompson St., Phila., Pa. 19131

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

v.

NO. 78-5631

MICHAEL RODAK, JR., CLERK, SUPREME COURT
OF THE UNITED STATES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPELLANT'S MOTION FILED WITH BRIEF IN
OPPOSITION TO THE APPELLEE'S MOTION TO DISMISS
FILED HEREIN ON/OR ABOUT DEC 26, 1978,
S.C.T. Rules 16, paragraph 4 On the Grounds
Provided By S.C.T. Rule 16, paragraph 1.(a)

HAJJI A.R. AHMAD, pro se
5538 W. Thompson St.

Philadelphia, Penna., 19131

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

NO. 78-5631

v.

MICHAEL RODAK, JR., CLERK, U.S.S.CT.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPELLANT'S MOTION FOR AN ORDER
SUPREME COURT RULE 35

1. The appellant HAJJI A.R. AHMAD, pro se, submits this motion pursuant to S CT Rule 35, and hereby moves this Honorable Court for an ORDER:

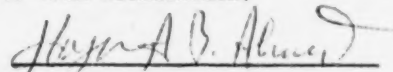
(A) STRIKING the Motion To Dismiss filed on behalf of the appellee on December 26, 1978, on the grounds that this Court lacks jurisdiction over the subject matter of said motion because of the fact that the time within which such a motion to dismiss could be filed under the authority of S CT Rule 16, expired 50 days from October 26, 1978, the date on which the appeal was docketed and/or 50 days from November 1, 1978, the date of service of the Jurisdictional Statement upon the Solicitor General and because in said Motion the Appellee in paragraph 1 thereof states that, "In many actions (of the), appellant has alleged a wide-ranging conspiracy against(sic) Black (sic) Muslims", and said statement being false and maliciously made, falls in the category of speech and actions outside of the scope of First Amendment protection and is prejudicial, to the appellant and injurious to the appellant in the enjoyment of First Amendment Rights including the protection afforded by the United States Constitution against acts and utterances which may be correctly characterized as "FIGHTING WORDS" and words and acts which defame negroes as a class and negroes of the Islamic religious persuasion and Muslims of all races. See the cases of:

Beauharnais v. Illinois, 343 U.S. 250 (1952); Chaplinsky v. New Hampshire, 315 U.S. 568, 571 (1942); Near v. Minnesota ex rel. Olson, 283 U.S. 697, 707-708 (1931).

(B) which declares aid to Israel from public and/or private sources either is authorized by the United States Constitution and is not in violation thereof, or is not authorized by the United States Constitution and is violative thereof. The appellant further requests that this Court make the determinations requested herein prior to any considerations such as jurisdiction and if this Court finds that aid to Israel is unconstitutional then determine the rights of the appellant to damages and the question of liability, all on the basis of the documents on file in this Court and the record. The grounds for this request are set forth in a motion filed this same date in the United States Court Of Appeals For The District Of Columbia, No. 78-8086, D.C. Civil No. 78-1584, Ahmad v. Rodak, a copy of that motion is attached hereto as Exhibit A.

AN AFFIDAVIT IS ATTACHED IN SUPPORT OF THIS APPLICATION.

DATED JANUARY 4, 1979


HAJJI A.R. AHMAD, pro se
5538 W. Thompson St.
Philadelphia, Penna., 19131

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 78-8086

September Term, 1978

HAJJI A.R. AHMAD

Petitioner

D.C. Civil Action 78-1584

Before: McGowan and Robb, Circuit Judges

FILED
January 4, 1979

APPELLANT'S MOTION UNDER RULE 2 OF THE FEDERAL RULES OF APPELLATE PROCEDURE REQUESTING THIS COURT TO SUSPEND THE REQUIREMENT OF RULE 12 UNTIL AFTER THIS COURT HAS DETERMINED THAT AID TO ISRAEL FROM PUBLIC AND PRIVATE SOURCES IS EITHER CONSTITUTIONAL OR UNCONSTITUTIONAL AND THAT THE APPELLANT IS ENTITLED TO AN AWARD IN DAMAGES FOR INJURIES SUFFERED BY HIM IN THE ENJOYMENT OF HIS CONSTITUTIONAL RIGHTS RESULTING FROM SUCH AID BASED ON THE PAPERS, PLEADINGS AND INFORMATION CONTAINED IN THE FILES IN THIS CASE

EXHIBIT
A

TO THE HONORABLE JUSTICES OF THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT: McGOWAN & ROBB

THE APPELLANT HAJJI A.R. AHMAD, respectfully moves this Honorable Court for an order granting the following relief:

1. Prior to any considerations as to jurisdiction, standing or question as to allow or not allow this case to be docketed for cause shown after the time for docketing has passed, make a determination that aid to Israel from public and private sources is either authorized by and not prohibited by The United States Constitution or not, and that the appellant is either entitled to an award in damages from the United States treasury as a result of the injuries allegedly threatening to and sustained by the appellant and others similarly situated by the past, present and future aid so provided to Israel beginning with the Resolution adopted by the United States Congress on June 30, 1922 and in furtherance of the unlawful agreement entered into by two or more persons of the Jewish faith religion and ancestry at Basle, Switzerland, 1897, whose object of confiscating lands and territories the property of citizens of Egypt, Palestine and elsewhere without compensation and without due process of law is proscribed by Article I, Section 8, clause 10, United States Constitution and Sections 956, 960, et al., Title 18, United States Code, and such object carried out through means proscribed by Article I, Section 8, clauses 1, 3 & 18, and the Establishment of Religion Clause of the First Amendment United States Constitution, and if such aid is determined unconstitutional issue an order:

(A) prohibiting the providing of aid and assistance of any sort to The So-Called State Of Israel, including economic, military and political assistance by officials of the United States Government and from/by private persons.

(B) declaring that the appellant is entitled to an award in damages for damages sustained by him and the class which he represents, said class to include members of the negro race similarly situated and members of the Muslim religion who have been humiliated and disgraced and held up to ridicule and scorn by the public because of the Zionist Conspiracy and United States participation and support of the Zionist objectives and the millions of such persons who have been forced to evacuate the Middle East and/or any parts thereof and those who have never been permitted to return to their homes and enjoy their property and the free exercise of the religion of Islam which enjoyment includes political, property and civil and human rights.

(C) permitting the appellant Hajji A.R. Ahmad, leave to docket this appeal after the time for docketing has expired for cause stated in the grounds for making this request pursuant to the provisions of Rule 12(a), FRAP.

THE GROUNDS UPON WHICH THIS APPLICATION IS BASED ARE:

1. The appellant has been and continues to be deprived of the enjoyment of his constitutional rights as a result of the Zionist conspiracy and the overt acts committed in furtherance of said conspiracy and described in the papers, pleadings and record in this case and will

continue to suffer harm in the enjoyment of his First Amendment rights unless the relief requested is granted.

2. No harm will occur to any persons interested in this case by granting the relief requested, herein.

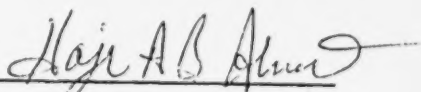
3. The public interest will best be served by the granting of said relief including those who pay taxes to the United States Government and are entitled to a determination and resolution of the question of the constitutionality of the use of public funds in support of Zionism especially in these times of high inflation, high inflation, huge deficits in the budget, bankrupt cities such as Cleveland and New York, increasing oil prices which increase is fueled by United States Support of Jewish Israeli Hegemony in the Middle East which triggered the oil embargo of record and the adoption of the policy of using oil as a weapon in defense of the sovereignty of the countries of Saudi Arabia, Egypt, Syria, Lebanon, Jordan, Palestine.

4. This court has an obligation under Article III, Section 2, of the Constitution of the United States to make the requested determination of said controversy which arises as it does under the Constitution.

5. This question has never been passed upon by any court in the United States.

An Affidavit is submitted herewith.

DATED JANUARY 4, 1979


HAJJI A.R. AHMAD, pro se
5538 W. Thompson St.
Philadelphia, Penna., 19131
215-877-7452

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 78-8086

SEPTEMBER TERM, 1978

HAJJI A.R. AHMAD, Petitioner

D.C. Civil Action No.
78-1584

Before: McGowan and Robb, Circuit Judges

AFFIDAVIT OF THE PETITIONER HAJJI A.R. AHMAD
IN SUPPORT OF THE ATTACHED MOTION AND CERTIFYING
PROOF OF SERVICE

HAJJI A.R. AHMAD, being duly sworn according to law depose and says:

1. I am the plaintiff/appellant in the above entitled case and make this statement in support of the motion filed herewith.

2. I am familiar with the facts, allegations, conclusions and information contained in the papers, pleadings and documents filed in this matter as I have suffered the injuries complained of resulting from the actions described in all such documents and not only have I read them many times but have prepared and filed them all myself and I state that all such facts, allegations and information are true of my personal knowledge except those submitted upon information and belief and those I believe to be true, and that I believe that I am entitled to the relief requested in this motion on the grounds stated.

3. Attached hereto as Exhibit A is copy of a letter from this Court Dated December 28, 1978, in which it is required that I submit the \$50.00 docketing fee with a motion for leave to docket appeal time having expired, within 15 days from the date of said order.

4. I cannot afford to pay the requested \$50.00 because of my poverty which resulted from being forced to leave the United States in Oct, 1955 and migrate to Egypt because of racial and religious discrimination and being forced to flee the Middle East and return to the United States in Nov 1956 as a refugee similar to the fate of millions of other persons of nonwhite races and nonJews, and have been further victimized, ostracised and discriminated against as complained of on record, which has resulted in my not being able to pay the required docketing fee and have submitted application for leave to proceed on appeal in forma pauperis and denied such leave by this court's order of Dec 1, 1978, however, I have borrowed the \$50.00 from a friend which is being submitted with this application under protest said requirement being an unconstitutional burden upon me in the enjoyment of First Amendment rights, due process under the Fifth and Fourteenth Amendments and the Equal protection clause of the latter. This money and motion are submitted within therequired 15 days and I submit that acceptance

of this \$50.00 is an agreement whereby I will pay to docket this case upon the consideration that this court will decide the question put to it with this application, and failure on your part to decide this issue will denote the taking of property without compensation and/or due process of law, and should this court refuse to decide this issue as requested will deny to me equal protection of the law, and if the fee is accepted and the relief requested in this application is denied, meaning the issue is not decided by this court, this will be deemed by me as accepting money under fraudulent pretenses, breach of agreement, breach of agreement, breach of Duty, breach of privilege and breach of trust, as described in Black's Law Dictionary.

5. I do not believe that any further brief is necessary before the deciding of this issue and will rely upon the record.

6. I have served copy of this motion upon the appellee by first class mail this 4th day of December, 1979, addressed in care of;

SOLICITOR GENERAL

U.S. Department of Justice
Washington, D.C. 20530,

and to EARL J. SILBERT
U.S. Attorney, RM 3136-C Federal Court Hse
3rd & Constitution Aves.
Washington, D.C. 20001

The above is true.

BNH

SWORN & SUBSCRIBED BEFORE NOTARY:

H. January 1979
Raymond B. Fenerty

RAYMOND B. FENERTY

NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO.
MY COMMISSION EXPIRES JUNE 12, 1980

Hajji A.R. Ahmad

HAJJI A.R. AHMAD, pro se

5538 W. Thompson St.
Philadelphia, Pa., 19131

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